

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LIOBANY SERRANO LUNA,

Defendant.

CASE NO. CR19-173 RSM

ORDER STRIKING TRIAL DATE
AND SETTING STATUS
HEARING

THIS COURT having considered the record in this matter, and the General Orders of the United States District Court for the Western District of Washington addressing measures to reduce the spread and health risks from COVID-19, which are incorporated herein by reference, the Court hereby FINDS as follows:

1. In light of the recommendations made by the Centers for Disease Control and Prevention (CDC) and Public Health for Seattle and King County regarding social distancing measures required to stop the spread of COVID-19, it is still not possible at this time to proceed with a jury trial.

2. On July 16, 2020, attorney Timothy Lohraff was appointed to represent the defendant. Mr. Lohraff replaced previously appointed counsel, Gregory Geist and Christopher Sanders after they moved to withdraw.
3. On February 8, 2021, Mr. Lohraff moved to withdraw as counsel; on February 10, 2021, Mr. Lohraff's motion was referred to Magistrate Judge Brian A. Tsuchida.
4. For the foregoing reasons, the Court finds that the failure to grant a continuance of the trial date in this case would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i). Given the timing of Mr. Lohraff's motion to withdraw, it is unreasonable to expect consideration of that motion, appointment of new counsel, if necessary, and adequate trial preparation by the scheduled trial date of February 16, 2021, and within the time limits established by the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(7)(B)(ii). Further, the failure to grant a continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
5. Accordingly, pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by continuing the trial in this case outweighs the best interest of the public and the defendant in a speedier trial.

IT IS THEREFORE ORDERED that the February 16, 2021, trial date in this matter is STRICKEN and a remote/video status hearing is set on **March 16, 2021 at 10:00 AM**, at which time the counsel should be prepared to discuss when a trial date might be set.

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3 IT IS FURTHER ORDERED that the period time from February 8, 2021, up to and
4 including the date of the status hearing, shall be excludable time pursuant to 18 U.S.C. § 3161.
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6 Dated this 10th day of February, 2021.

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8 RICARDO S. MARTINEZ
9 CHIEF UNITED STATES DISTRICT JUDGE

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11 Presented by:

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13 /s/ Jessica M. Manca

14 JESSICA M. MANCA

15 Assistant United States Attorney
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